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Attorney for Defendant National Enterprise Systems, Inc.

Hon. Paul Papak

FILED
DEC 17 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LESLIE M. WHITWORTH,

Plaintiff,

vs.

NATIONAL ENTERPRISE SYSTEMS,
INC., et al.,

Defendants.

Case No. 3:08-CV-968-PK

STIPULATION AND ORDER OF
DISMISSAL

STIPULATION

Plaintiff and defendant (the parties), hereby stipulate as follows:

1. National paid to Leslie M. Whitworth the sum of \$2,500.00.
2. Whitworth agreed to cause the Action to be dismissed with prejudice subject to determination of attorney fees and costs as set forth below.
3. National shall pay Balcom reasonable costs and reasonable attorney's fees accrued in connection with the above-referenced action through 5:00 PM on December 1, 2009 as determined by the Court upon motion on the following briefing schedule:
 - a) Whitworth's opening brief shall be filed with the Court on or before 12/23/09;
 - b) National's objections shall be filed with the Court on or before 1/13/10; and
 - c) Whitworth's reply brief shall be filed with the Court on or before 2/3/10.

4. The parties have been unable to agree on Whitworth's reasonable costs and reasonable attorney's fees.
5. The parties stipulate to entry of the subjoined Order of Dismissal.

DAVENPORT & HASSON, LLP

CLARKE BALCOM, PC

By: s/ Jeffrey I. Hasson
Jeffrey I. Hasson, OSB#872419
Counsel for Defendant
DATED: December 15, 2009

By: s/ Shannon Sims
Shannon Sims, OSB#072029
Counsel for Plaintiff
DATED: December 15, 2009

ORDER

NOW, THEREFORE, it is hereby

ORDERED that the plaintiff's claims against defendant should be and hereby is
DISMISSED WITH PREJUDICE subject to the following; and it is further

1. ORDERED that Plaintiff shall move for reasonable costs and reasonable attorney fees on or before 12/23/09;
2. National's objections shall be filed with the Court on or before 1/13/10; and
3. Whitworth's reply brief shall be filed with the Court on or before 2/3/10.
4. Before entry of judgment on the award, National shall have 14 days to pay

Whitworth based on Order of the Court.

Dated: 12/16/09


United States District Court Judge

Presented by:

DAVENPORT & HASSON, LLP

Jeffrey I. Hasson
Jeffrey I. Hasson, OSB#872419
Attorney for Defendant